

UNITED STATES GOVERNMENT

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Memorandum

TO : Office of Legislative Counsel
ATTN : 25X1
FROM : Chief, Alien Affairs Staff

DATE: 6 September 1967

SUBJECT: H. R. 2138 - Bill to Amend Section 319 of
the Immigration and Nationality Act

1. This memorandum is for information only.
2. The viewpoint of Edward Rudnick, Assistant Commissioner for Naturalization, Immigration and Naturalization Service, was solicited to determine the effect upon application of existing naturalization statutes by declaring Radio Free Europe and Radio Liberation, Agencies of the United States Government.
3. Under existing applicable statutes Section 316(b), Immigration and Nationality Act, an employee of the United States Government, or under contract with the Government of the United States is required to have an uninterrupted period of physical presence of at least one year after admission for permanent residence and prior to such employment abroad.
4. Employees of Radio Free Europe and Radio Liberation would gain no advantage, if these organizations were declared Agencies of the United States Government, or under contract with the Government of the United States, as a majority of these employees were admitted for permanent residence and immediately returned overseas to continue their employment and consequently did not accumulate the required physical presence of one year in the United States.
5. Under present statutes, Radio Free Europe and Radio Liberation are considered as American Institutions of Research. Employees seeking naturalization must comply with one year physical presence in the United States after admission for permanent residence, prior to employment abroad, and they must also, during the

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five years preceding the filing of a petition for naturalization, have been physically present for periods totalling at least half that time (thirty months).

6. Under proposed H. R. 2138, an employee of Radio Free Europe or Radio Liberation, in order to be naturalized, would (1) have to be admitted for permanent residence, (2) had been employed for a period of five years by Radio Free Europe or Radio Liberation, and (3) declare before the Court his intent to take up residence within the United States upon termination of his employment abroad. He would not be required to meet any physical presence requirement as condition precedent to his naturalization.

7. The proposed statute is similar to Section 330 wherein a seaman, admitted for permanent residence, and who thereafter is employed on United States vessels for a period of five years may petition for naturalization without any physical presence in the United States. Such service by the seaman is held to be constructive physical presence.

8. It is the opinion of Mr. Rudnick that H. R. 2138 has a favorable possibility of passage at this session of Congress. The proposed Bill gives the employees of Radio Free Europe and Radio Liberation an opportunity for naturalization which is unavailable to them under existing statute. In the event the organizations were declared U. S. Government Agencies, or under contract to the United States Government, this would not materially assist the employees in their attempts to obtain naturalization since they fail to meet the one year physical presence requirement after permanent residence, and prior to their employment abroad.



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